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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-154

13 **TERI LYNN HARRIS,**
14 **a.k.a. TERI LYNN MURRAY**
431 Beechtree Court
Anaheim, CA 92808

A C C U S A T I O N

15 **Registered Nurse License No. 350117**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about September 30, 1982, the Board issued Registered Nurse License Number
24 350117 to Teri Lynn Harris, also known as Teri Lynn Murray ("Respondent"). Respondent's
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2010, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

6. Code section 2725 states, in pertinent part:

• • • •

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing

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1 7. California Code of Regulations, title 16, section ("Regulation") 1470 states:

2 The Board of Registered Nursing in conjunction with the Medical Board
3 of California (see the regulations of the Medical Board of California, Article 9.5,
4 Chapter 13, Title 16 of the California Code of Regulations) intends, by adopting the
5 regulations contained in the article, to jointly promulgate guidelines for the
6 development of standardized procedures to be used in organized health care systems
7 which are subject to this rule. The purpose of these guidelines is:

8 (a) To protect consumers by providing evidence that the nurse meets all
9 requirements to practice safely.

10 (b) To provide uniformity in development of standardized procedures.

11 8. Regulation 1471 states:

12 For purposes of this article:

13 (a) "Standardized procedure functions" means those functions specified
14 in Business and Professions Code Section 2725(c) and (d) which are to be performed
15 according to "standardized procedures";

16 (b) "Organized health care system" means a health facility which is not
17 licensed pursuant to Chapter 2 (commencing with Section 1250), Division 2 of the
18 Health and Safety Code and includes, but is not limited to, clinics, home health
19 agencies, physicians' offices and public or community health services;

20 (c) "Standardized procedures" means policies and protocols formulated
21 by organized health care systems for the performance of standardized procedure
22 functions.

23 9. Regulation 1472 states:

24 An organized health care system must develop standardized procedures
25 before permitting registered nurses to perform standardized procedure functions. A
26 registered nurse may perform standardized procedure functions only under the
27 conditions specified in a health care system's standardized procedures; and must
28 provide the system with satisfactory evidence that the nurse meets its experience,
training, and/or education requirements to perform such functions.

10. Regulation 1474 states:

Following are the standardized procedure guidelines jointly promulgated
by the Medical Board of California and by the Board of Registered Nursing:

(a) Standardized procedures shall include a written description of the
method used in developing and approving them and any revision thereof.

(b) Each standardized procedure shall:

(1) Be in writing, dated and signed by the organized health care system
personnel authorized to approve it.

1 (2) Specify which standardized procedure functions registered nurses may
perform and under what circumstances.

2 (3) State any specific requirements which are to be followed by registered
3 nurses in performing particular standardized procedure functions.

4 (4) Specify any experience, training, and/or education requirements for
performance of standardized procedure functions.

5 (5) Establish a method for initial and continuing evaluation of the
6 competence of those registered nurses authorized to perform standardized procedure
functions.

7 (6) Provide for a method of maintaining a written record of those persons
8 authorized to perform standardized procedure functions.

9 (7) Specify the scope of supervision required for performance of
standardized procedure functions, for example, immediate supervision by a physician.

10 (8) Set forth any specialized circumstances under which the registered
11 nurse is to immediately communicate with a patient's physician concerning the
patient's condition.

12 (9) State the limitations on settings, if any, in which standardized
13 procedure functions may be performed.

14 (10) Specify patient record keeping requirements.

15 (11) Provide for a method of periodic review of the standardized
procedures.

16 **COST RECOVERY**

17 11. Code section 125.3 provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
24 subdivision (a), in that in or about 2004 and/or 2005, while employed or on duty as the charge
25 nurse at the Orthopedic Surgery Center of Orange County, Newport Beach, California,
26 Respondent committed acts constituting unprofessional conduct, as follows: During the time
27 period indicated above, Respondent administered BOTOX® (Botulinum Toxin A) injections to
28 several of her co-workers, including registered nurses D. K. and L.M., without a good faith

1 examination by a physician or an advanced practice provider, without a prescribing order from
2 her supervising physician, Dr. B., and when there were no standardized procedures in place or in
3 effect at the facility authorizing Respondent to administer BOTOX® injections.

4 **PRAYER**

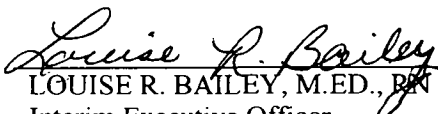
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 350117, issued to Teri
8 Lynn Harris, also known as Teri Lynn Murray;

9 2. Ordering Teri Lynn Harris, also known as Teri Lynn Murray, to pay the Board of
10 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3; and

12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: 9/15/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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